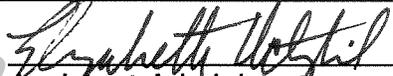


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Interpretation: Manager,
Permanency and Adoptions

Approval: 
Assistant Administrator,
Program Operations

REFERENCES: ORS 109.425 to 109.507 and 109.990
OARs 413-130-300 through 413-130-350
SB 1105

PURPOSE

413-130-400 The State of Oregon administers the Assisted Search Program which permits a confidential search for certain adult members of an individual's birth family. This program recognizes that while some parties to adoption have a strong desire to obtain identifying information, others do not. This program is voluntary for all participants and fully recognizes the right to privacy and confidentiality of all parties to an adoption. Persons contacted under this program are directed to the voluntary adoption registry where exchange of identifying information can be authorized. Licensed Oregon adoption agencies conducting assisted search programs are subject to the policies and procedures established under these rules, whose purpose is to set forth criteria establishing eligibility standards, standards of conduct and search procedures, and fees to be paid by persons requesting assisted searches.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

DEFINITIONS

413-130-410 (1) "Assisted Search" means the work carried out to locate and make confidential contact with a sought-for person upon the application of an authorized requester.

(2) "Birth Parent" means the woman or man who is legally presumed under the laws of this state to be the mother or father of genetic origin of a child, or is a putative father of the child where the birth mother has alleged he is the father and the putative father, by written affidavit or surrender and release executed within one year of the relinquishment of the child by the birth mother, or the termination of parental rights of the birth mother, has acknowledged being the child's biological father.

(3) "Fee" means the maximum fixed amount that may be charged for conducting an assisted search for persons eligible to request such services, a birth father file review, and for SOSCF's, or Oregon licensed adoption agency's reasonable costs associated with an administration of the assisted search program.

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(4) **"Licensed Adoption Agency"** means an agency currently licensed in Oregon under the provisions of ORS 418.225 to 418.325 to provide adoption services.

(5) **"Requester"** means a person duly registered on a voluntary adoption registry who requests an assisted search, and who has filed an application and paid the applicable fee.

(6) **"Voluntary Adoption Registry"** means a registry as established in ORS 109.450 and OAR 413-130-300 through 413-130-350, which provides identifying information to eligible adoptees and other authorized family members.

(7) **"Work Product"** means any records, information or other materials obtained or developed by the licensed adoption agency or SOSCF during the course of the assisted search.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

POLICY

USE OF ASSISTED SEARCH PROGRAM

413-130-420 (1) Eligible Persons: Certain persons duly registered with an Oregon voluntary adoption registry for identifying information are eligible to request an assisted search:

(a) Adult adoptee or adoptive parents of a deceased adoptee seeking the adoptee's birth parents or genetic siblings;

(b) Birth parents, adult genetic sibling(s) or the parent or adult sibling of a deceased birth parent seeking the adult adoptee.

(2) Completed searches for a birth parent where that person declines to register prevents any subsequent assisted search for the requester's biological siblings. A search for the other birth parent is permitted where authorized by statute.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

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APPLICATION

413-130-430 Requesters for assisted searches will submit an application directly to the licensed adoption agency that facilitated the adoption if that agency has met all requirements under OAR 413-130-450 and 413-130-460, or to the State Office for Services to Children and Families Central Adoptions Unit. The completed application shall include:

(1) Proof of registration for identifying information on the appropriate voluntary adoption registry;

(2) The applicable fee.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

FEES

413-130-440 Each application for an assisted search shall be accompanied by the following fee(s):

(1) Four hundred dollars for all initial searches for any one eligible person. This fee includes \$100 which covers costs for administration of the assisted search program and \$300 which represents the fixed fee for actual search.

(2) Two hundred dollars each for any subsequent assisted searches for eligible persons by the same requester.

(3) Twenty five dollars non-refundable birth parent file review if the application requests an assisted search for a birth father. This review shall determine if there is a birth father who meets the definition as the legal or putative father permitted to utilize the voluntary registry. This \$25 fee will be applied towards the assisted search fees if it is determined that a search can be conducted.

(4) Once application is made for the assisted search to the licensed adoption agency or SOSCF, any fees paid are non-refundable under any circumstances, including unsuccessful location or reunion.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

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ELIGIBILITY OF SEARCH ORGANIZATION

413-130-450 Licensed adoption agencies who perform assisted searches must meet the following requirements:

(1) Demonstrate knowledge of, and experience with, adoption and search issues including a statement of philosophy which values post adoption search consistent with ORS 109.430;

(2) Demonstrate experience providing administrative and supervisory oversight of employees and subcontractors, if applicable, including monitoring of conduct and performance;

(3) Demonstrate sufficient financial resources to insure effective work and organizational stability;

(4) Employ, or have on call as needed, sufficient capable, trained and experienced staff who meet the standards and minimum competencies outlined in OAR 413-130-460;

(5) Be available to accept search requests within the time frame outlined in OAR 413-130-480;

(6) Maintain signed statements of confidentiality in personnel files and provide notice of confidentiality requirements in all program policies concerning any information from sealed adoption files and any information obtained during the assisted search process;

(7) Demonstrate knowledge of available search resources to guarantee delivery of services within the fee schedule;

(8) Agree to provide current and comprehensive information regarding agency and community resources, including support groups, reading lists and other resources regarding psychological issues in adoption and potential outcomes of reunions, to certain individuals identified and contacted as a result of the search;

(9) Agree to compile statistical data on searches for periodic reports to SOSCF in a format determined by SOSCF, including results of consumer satisfaction surveys of requesters and/or persons identified and contacted during the assisted search process.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

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ELIGIBILITY COMPETENCIES AND STANDARDS FOR PERSONS PERFORMING SEARCHES

413-130-460 Persons performing assisted searches for licensed adoption agencies or SOSCF must meet the following requirements:

(1) Demonstrate a minimum of two years of experience, either professional or volunteer, in legal and/or psychological aspects of adoption and adoption search.

(2) Demonstrate expertise, through written references, approved training and personal interviews, of the following:

- (a) Sensitivity to adoption-related issues;
- (b) Ability to maintain confidential files and information;
- (c) Ability to work within established legal, administrative and ethical boundaries;
- (d) Excellent listening and communication skills, written and verbal;
- (e) Ability to work with persons from diverse backgrounds and cultures;
- (f) Insight regarding personal attitudes regarding adoption, search and reunion to maintain professional neutrality.
- (g) Demonstrate general and specific knowledge of search procedures and techniques to be utilized to successfully locate sought after parties.

(3) Provide a criminal background check, which demonstrates no record of criminal convictions:

- (a) Related to maintaining the integrity or confidentiality of records;
- (b) Related to child abuse or other offenses involving minor children.

(4) Attend continuing education/applicable training available as required by the licensed adoption agency or SOSCF in the areas of adoption, search and reunion.

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(5) Sign a statement of confidentiality, which outlines potential civil and criminal penalties for any disclosure of file information to any one not expressly authorized in applicable statutes or administrative rules.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

STANDARDS OF CONDUCT

413-130-470 Licensed adoption agencies performing assisted searches shall:

- (1) Maintain accurate and complete records of each search;
- (2) Keep confidential all adoption file information furnished by SOSCF and any licensed adoption agency and all work product developed during the assisted search process;
- (3) Use discretion in the search in all contacts and requests for information from public sources, and from those known to the persons involved;
- (4) Act within applicable statutory and administrative rules in applicable jurisdictions;
- (5) Not exert any pressure upon a sought-after person in order to effect registration on a voluntary adoption registry;
- (6) Accept only such compensation for a search as is permitted by law;
- (7) Avoid any potential conflicts of interest in conducting assisted searches;
- (8) Not assume the role of therapist or counselor to parties contacted during the assisted search process.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

SEARCH PROCEDURES

413-130-480 (1) SOSCF or licensed adoption agencies, upon receipt of the application and fees, shall complete the assisted search within 120 days from the date of assignment. If the case is still active, but not completed within 120 days, the agency shall contact the requester and state the reason for the delay and a projected completion date. The licensed adoption agency, or SOSCF shall inform the requester that the case has been

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opened, and shall maintain reasonable contact with the requester to give periodic updates on the search.

(2) The licensed adoption agency or SOSCF shall prepare a search file, and using established search techniques in accordance with the standards of conduct established under OAR 413-130-470, shall attempt to identify and locate the person sought under the program.

(3) Upon location of that person, the licensed adoption agency or SOSCF shall make a confidential inquiry, in person, if possible, to determine if that person wishes to establish contact with the requester through the voluntary adoption registry. During the contact, the licensed adoption agency or SOSCF shall inform the person that any participation he or she may have with the registry is voluntary and that no information regarding his or her identity or location will be released unless completed registration is made with the voluntary adoption registry. If that person wishes to establish contact, the agency or SOSCF shall provide information and any application materials necessary to register with the appropriate registry. The application materials shall contain a statement regarding the voluntary nature of any participation in a voluntary adoption registry. The agency or SOSCF shall also provide information about agency and community resources regarding psychological issues in adoption and reunion to persons who express a wish to receive information. The agency or SOSCF shall notify the appropriate voluntary adoption registry that the person being sought has been identified and located, and has indicated that the person wishes to make contact.

(4) SOSCF or the licensed adoption agency conducting the search, where practicable, shall, after 90 days, contact the person in the original contact who indicated interest in accessing the voluntary adoption registry, if that person has not returned the application materials. This second contact is to offer forms and materials to register and to determine if the person still intends to register.

(5) If, upon location, the person sought does not wish to register to establish contact through the voluntary adoption registry, the person shall be given information about the voluntary adoption registry under ORS 109.435 to 109.507.

(6) The licensed adoption agency or SOSCF shall notify the appropriate voluntary registry that the person being sought has been located and has indicated that the person does not wish the contact.

(7) If the licensed adoption agency or SOSCF is unable to identify or locate the person being sought, SOSCF or the licensed adoption agency shall notify the appropriate voluntary registry of that fact.

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(8) Upon receiving notice under OAR 413-130-480 (3), (5) or (6), the voluntary adoption registry shall:

(a) Enter the information into its records;

(b) Notify the requester only that the person being sought has or has not been located; and either:

(A) Has indicated a wish to make contact and has been given information and forms necessary to register, or

(B) Has indicated a wish not to make contact.

(9) Except as otherwise provided under this rule, no contact shall be made with requesters or persons sought under the assisted search program.

(10) All search file information, including all work product developed during the course of the search, shall be incorporated into the permanent registry adoption file in the agency of origin, either SOSCF and/or a licensed Oregon adoption agency upon completion of the search.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

ACCESS TO RECORDS

413-130-490 (1) A licensed adoption agency may examine adoption records maintained by the State Office for Services to Children and Families subject to SOSCF operating procedures.

(2) No original file contents or copies of confidential documents will be removed from SOSCF Central Adoptions Unit.

(3) No file contents will be open to inspection by a licensed adoption agency other than the file directly related to the requester's file.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

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MAINTENANCE OF RECORDS

413-130-500 (1) All work product and adoption file information obtained in connection with the assisted search program under these rules is confidential. All confidential adoption records made available to a licensed adoption agency, and all work product, are the property of the agency of origin, either SOSCF or the licensed adoption agency. At the conclusion of the assisted search, all materials shall be forwarded to the agency of origin, and shall become part of the permanent adoption file. Licensed adoption agencies conducting an assisted search program shall maintain a record of each search undertaken and its outcome in a form which does not breach the confidentiality of any registrant.

(2) During an active search, licensed adoption agencies shall keep records of all actions taken on behalf of requesters, and shall furnish copies of those records upon request from SOSCF.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

EXCLUSION OF LICENSED AGENCIES

413-130-510 Any licensed adoption agency authorized to conduct searches per OAR 413-130-460, shall be immediately excluded from all access to confidential adoption file information if any rules are violated, and may be subject to immediate termination for any willful unauthorized disclosure of any confidential file information. Such persons may be subject to criminal prosecution.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105

ADVISORY COMMITTEE

413-130-520 An advisory committee selected by SOSCF will meet as needed to consider any changes or improvements to the administration of the Assisted Search Program. Membership shall reflect affected parties, including, but not limited to, adult adoptees, adoptive parents, birth parents, private adoption agency personnel and SOSCF adoptions staff.

Statutory Authority: HB2004

Stats. Implemented: ORS 109.425 - 109.507, SB1105